

Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On November 13, 1928, the Pecos Valley Alfalfa Mill Co., Hagerman, N. Mex., and the Maracheau Grain Co., San Antonio, Tex., having appeared and filed answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the owner, the Maracheau Grain Co., upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the sacks be filled to the full weight declared on the labels.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16123. Adulteration and misbranding of Lee's Creo-Lyptus. U. S. v. 433 $\frac{3}{4}$ Dozen Bottles, et al., of Lee's Creo-Lyptus. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23111, 23112. I. S. Nos. 047, 048. S. Nos. 1200, 1201.)

On October 1, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,683 $\frac{3}{4}$ dozen bottles of Lee's Creo-Lyptus, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Creo-Lyptus Co., from Peoria, Ill., on or about August 8, 1928, and transported from the State of Illinois into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, chloroform, extracts of plant drugs, traces of volatile oils, a possible trace of creosote, sugar, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its strength, quality, and purity fell below the professed standard under which it was sold, in that it had no antiseptic action on the lungs, it was not an active germicide, and was not an antiseptic.

Misbranding was alleged for the reason that the following statements appearing on the labeling were false and misleading: (Bottle label) "Creo * * *. An emulsified Creosote, Eucalyptus, and pine preparation * * *. Contents of this package are guaranteed to comply with all Federal and State Pure Food Laws;" (poster) "Creo * * *. An emulsified Creosote, Eucalyptus, and Pine Preparation;" (display card) "Creo." Misbranding was alleged for the further reason that the following statements appearing on the labeling were false and fraudulent; (Display card) "For Coughs, Colds, and Bronchial Congestion. Quick Relief to Persistent and Chronic Cases * * *. Spasmodic Croup and Whooping Cough * * *. Stops Coughs in 5 Minutes * * *. Creosote—It is used in the treatment of tuberculosis, pneumonia, and bronchitis * * *. Creosote was originally introduced in the treatment of tuberculosis on account of its antiseptic action on the lungs. * * * its effect on the bronchial mucous membrane. For this action it is also a very valuable drug in the treatment of all types of chronic bronchitis. It is considered very reliable in the treatment of chronic inflammation of the air passages. Creosote if taken over a short period of time is taken in the blood tract and carried to the lungs, saturating them to the extent that it is next to impossible for pneumonia germs to exist * * *. Used as an expectorant in bronchitis and Spasmodic Croup * * *. An active germicide * * * an antiseptic especially in the treatment of infections of the upper respiratory tract, and * * * in chronic bronchitis and tuberculosis. It has been especially praised in asthma. * * * in the treatment of Asthma and Bronchitis where there is a tendency to dyspnoea (difficult or labored breathing) and bronchial spasm. In chronic bronchitis of aged persons it is particularly salutary. It has been especially useful in the treatment of Whooping Cough and Spasmodic Croup * * *. Asserted in the treatment of Catarrhal affections, Coughs, Colds, Croup, Whooping Cough, Asthma, etc.;" (poster) "Stop that Cough, Cold, or Croup * * *. Quickly relieves persistent Coughs, Colds, Spasmodic Croup, Bronchial Asthma, Whooping Cough, Prevents Pneumonia;" (bottle label) "Quickly relieves persistent Coughs, Colds, Spasmodic Croup, Bronchial Congestion, Whooping Cough * * * until relieved * * *. For whooping cough and croup * * * Creo-Lyptus should be taken regularly according to directions as long as cough is evident. Inflamed tissues are quickly relieved * * *. For better results in Severe cases."

On November 15, 1928, the Creo-Lyptus Co. (Inc.), Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that it be made to conform to and with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16124. Adulteration and misbranding of peaches. U. S. v. 396 Baskets, et al., of Peaches. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23029, 23072. I. S. Nos. 03456, 03457. S. Nos. 1034, 1048.)

On July 26 and July 31, 1928, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 591 baskets of peaches, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by C. L. Pennington, from Echeconnee, Ga., and transported from the State of Georgia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Dixie Highway Brand Georgia Peaches Grown and Packed by C. L. Pennington, Macon, Ga." A portion of the article consisting of 387 baskets was further labeled "Elbertas AA U S 1 2 In. Minimum."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance. Adulteration was alleged with respect to 387 baskets of the article for the further reason that a substance, peaches not of United States Grade No. 1, had been substituted wholly or in part for the article.

Misbranding was alleged with respect to the said 387 baskets of the article for the reason that it was offered for sale under the distinctive name of another article, namely, peaches United States Grade No. 1, and in that the statement, "U. S. Grade No. 1," borne on the label, was false and misleading and deceived and misled the purchaser.

On August 17 and September 8, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16125. Misbranding of cottonseed meal and cottonseed cake. U. S. v. Rule-Jayton Cotton Oil Co. Pleas of guilty. Fines, \$110. (F. & D. Nos. 22539, 22585. I. S. Nos. 8446-x, 12680-x, 12689-x, 15011-x, 15016-x, 15017-x, 15179-x, 15180-x, 23064-x, 23065-x, 23068-x.)

On May 10, 1928, and September 11, 1928, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Rule-Jayton Cotton Oil Co., a Texas corporation, having its principal place of business at Stamford, Tex., alleging shipment by said company, in part under the name of the Stamford Cotton Oil Mill, in part under the name of the Jayton Cotton Oil Mill, and in part under the name of the Rule Cotton Oil Mill, in violation of the food and drugs act, in various consignments between the dates of July 31, 1926 and November 27, 1927, from the State of Texas into the States of Kansas, Wyoming, and Colorado, respectively, of quantities of cottonseed meal and cottonseed cake which were misbranded. The articles were labeled variously in part: "43% Protein Cottonseed Meal (or 'Cake') Prime Quality Manufactured by Stamford Cotton Oil Mill Stamford, Texas. Guaranteed Analysis: Crude Protein 43 per cent (or 'Guaranteed Analysis Crude Protein not less than 43.00 Per Cent');" "Equity Brand Cotton Seed Meal and Cake Guaranteed Analysis Protein, not less than 43%;" "Guaranteed Analysis Protein, not less than 43% * * * Choctaw Sales Company * * * Kansas City, Missouri;" "43% Protein Cottonseed Cake Prime Quality Manufactured by Jayton Cotton Oil Mill, Jayton, Texas, Guaranteed Analysis Crude Protein not less than 43.00 Per Cent;" "43 Per Cent Protein Cottonseed Cake (or 'Meal') Prime Quality Manufactured by Rule Cotton Oil Mill, Rule, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."